IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.1136 OF 2007

Amitsingh Bhickamsingh Thakur. ..Petitioner
Versus
The State of Maharashtra & Ors. ..Respondents.

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Smt.Sonia S. Miskin, Adv. appointed for the petitioner.
Mr.M.S.Mhambre, APP, for the State.

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CORAM : R.M.S.KHANDEPARKAR AND SMT.V.K.TAHILRAMANI,JJ.

DATED : SEPTEMBER 07, 2007.

P.C.:-

1. Heard the learned Advocate appointed for the petitioner and the learned APP for the State.

2. The petitioner had preferred an application for furlough. The petitioner was initially lodged in Yerwada Central Prison, Pune in Maharashtra State. Thereafter the petitioner i.e. prisoner No.C-11960 has been transferred to Agra Central Prison under Police Escort on

15.7.2007 under reciprocal basis.

3. In view of the fact that the petitioner has been transferred to Agra Central Prison, the furlough leave will be governed by the Rules pertaining to the State of Uttar Pradesh. Rule 9 of the Bombay Furlough and Parole Rules, 1959 makes it clear that the release of the prisoner on furlough leave in such cases will be governed by the State to which he has been transferred i.e. in the present case - Uttar Pradesh. Looking to this fact, the furlough application of the petitioner will now be governed by the Uttar Pradesh State Rules and the petitioner will have to seek relief from the concerned High Court which will now have jurisdiction.

4. With the above observations, Writ Petition is disposed of.

[R.M.S.KHANDEPARKAR,J.]

[SMT.V.K.TAHILRAMANI,J.]